

ARL J. KUNASEK  
CHAIRMAN  
JIM IRVIN  
COMMISSIONER  
WILLIAM A. MUNDELL  
COMMISSIONER



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BRIAN C. McNEIL  
EXECUTIVE SECRETARY

ARIZONA CORPORATION COMMISSION

DATE: SEPTEMBER 3, 1999

DOCKET NO: T-03498A-98-0024

TO ALL PARTIES:

Enclosed please find the recommendation of Hearing Officer Jane Rodda. The recommendation has been filed in the form of an Order on:

PRIDE AMERICA, INC.  
(CC&N/RESELLER)

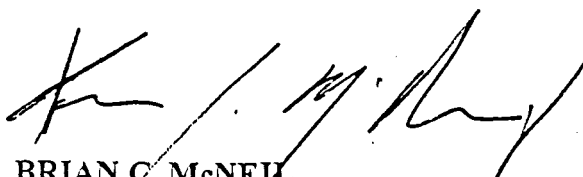
Pursuant to A.A.C. R14-3-110(B), you may file exceptions to the recommendation of the Hearing Officer by filing an original and ten (10) copies of the exceptions with the Commission's Docket Control at the address listed below by **10:00** a.m. on or before:

SEPTEMBER 13, 1999

The enclosed is NOT an order of the Commission, but a recommendation of the Hearing Officer to the Commissioners. Consideration of this matter has tentatively been scheduled for the Commission's Working Session and Open Meeting to be held on:

SEPTEMBER 14, 1999 and SEPTEMBER 15, 1999

For more information, you may contact Docket Control at (602)542-3477 or the Hearing Division at (602)542-4250.

  
BRIAN C. McNEIL  
EXECUTIVE SECRETARY

1                                   **BEFORE THE ARIZONA CORPORATION COMMISSION**

2   CARL J. KUNASEK  
3       CHAIRMAN

4   JIM IRVIN  
5       COMMISSIONER

6   WILLIAM A. MUNDELL  
7       COMMISSIONER

8   IN THE MATTER OF THE APPLICATION OF  
9   PRIDE AMERICA, INC. FOR A CERTIFICATE  
10   OF CONVENIENCE AND NECESSITY TO  
11   PROVIDE COMPETITIVE INTRASTATE  
12   TELECOMMUNICATIONS SERVICES AS A  
13   RESELLER.

DOCKET NO. T-03498A-98-0024

DECISION NO. \_\_\_\_\_

**ORDER**

14   Open Meeting  
15   September 14 and 15, 1999  
16   Phoenix, Arizona

17   **BY THE COMMISSION:**

18           Having considered the entire record herein and being fully advised in the premises, the  
19   Commission finds, concludes, and orders that:

20                                   **FINDINGS OF FACT**

21           1.     On January 23, 1998, Pride America, Inc. ("Applicant") filed with the Arizona  
22   Corporation Commission ("Commission") an application for a Certificate of Convenience and  
23   Necessity ("Certificate") to provide resold telecommunications services within the State of Arizona.

24           2.     In Decision No. 58926 (December 22, 1994), the Commission found that resold  
25   telecommunications providers ("resellers") were public service corporations subject to the  
26   jurisdiction of the Commission.

27           3.     In Decision No. 59124 (June 23, 1995), the Commission adopted A.A.C. R14-2-1101  
28   through R14-2-1115 to regulate resellers.

          4.     On February 12, 1999, the Commission's Utilities Division Staff ("Staff") filed its  
Staff Report and recommended denial of this application because Applicant did not provide financial  
information and Staff believed the Applicant did not have the financial ability to provide the  
requested services. Staff reported that the Applicant did not appear to be a going concern as Staff

1 was unable to contact Applicant at the provided numbers.

2 5. Applicant is a Delaware corporation that was authorized to do business in Arizona  
3 in 1998.

4 6. By Procedural Order dated April 1, 1999, the Commission set a deadline of May 20,  
5 1999, for providing notice to interested parties; requesting that a hearing be set or filing exceptions  
6 to the Staff Report; and requesting intervention as an interested party.

7 7. Applicant did not request a hearing, nor does the record reflect that Applicant  
8 published notice of its application as required by A.A.C. R14-2-1104 and R14-2-1105 or that it  
9 mailed notice to interested parties pursuant to the April 1, 1999 Procedural Order.

10 **CONCLUSIONS OF LAW**

11 1. Applicant is a public service corporation within the meaning of Article XV of the  
12 Arizona Constitution and A.R.S. §§ 40-281 and 40-282.

13 2. The Commission has jurisdiction over Applicant and the subject matter of the  
14 application.

15 3. Notice of the application was not given in accordance with the law.

16 4. As Applicant has not complied with Commission orders or rules, it is not a fit and  
17 proper entity to receive a Certificate for providing competitive telecommunications services in  
18 Arizona.

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ORDER

IT IS THEREFORE ORDERED that the application of Pride America, Inc. for a Certificate of Convenience and Necessity for authority to provide competitive resold telecommunications services shall be, and the same is, hereby denied, and the Docket closed.

IT IS FURTHER ORDERED that this Decision shall become effective immediately.

BY ORDER OF THE ARIZONA CORPORATION COMMISSION.

CHAIRMAN

COMMISSIONER

COMMISSIONER

IN WITNESS WHEREOF, I, BRIAN C. McNEIL, Executive Secretary of the Arizona Corporation Commission, have hereunto set my hand and caused the official seal of the Commission to be affixed at the Capitol, in the City of Phoenix, this \_\_\_\_ day of \_\_\_\_\_, 1999.

BRIAN C. McNEIL  
EXECUTIVE SECRETARY

DISSENT \_\_\_\_\_

JR:dap

1 SERVICE LIST FOR: PRIDE AMERICA, INC.

2 DOCKET NO.: T-03498A-98-0024

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